

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**CARLTON DUANE BALLARD,**

CASE NO. 4:21 CV 570

Petitioner,

v.

JUDGE JAMES R. KNEPP II

**WARDEN MARK K. WILLIAMS,**

**MEMORANDUM OPINION AND  
ORDER**

Respondent.

This matter is before the Court on Magistrate Judge<sup>1</sup> David A. Ruiz's Report and Recommendation ("R&R") to deny Petitioner Carlton Duane Ballard's Petition and Amended Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 and grant Respondent Warden Mark K. Williams' Motion for Summary Judgment. (Doc. 16).

Under the relevant statute:

Within fourteen days of being served with a copy [of a Magistrate Judge's R&R], any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1); *see also* FED. R. CIV. P. 72(b)(2). The failure to file timely written objections to a Magistrate Judge's R&R constitutes a waiver of *de novo* review by the district court of any issues covered in the R&R. *Thomas v. Arn*, 728 F.2d 813, 814-15 (6th Cir. 1984); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

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1. Between the time Judge Ruiz issued his Report and Recommendation and the present, Judge Ruiz has been confirmed and invested as a district judge in this District.

In this case, the R&R was issued on February 3, 2022, and it is now March 2, 2022. Petitioner has neither filed objections nor requested an extension of time to file them. Despite the lack of objections, the Court has reviewed Judge Ruiz's R&R, and agrees with the findings and recommended rulings therein. Therefore, the Court ADOPTS Judge Ruiz's R&R (Doc. 16) as the Order of this Court, DENIES Petitioner's Petition and Amended Petition (Docs. 1, 10), and GRANTS Respondent's Motion for Summary Judgment (Doc. 13) as set forth therein.

IT IS SO ORDERED.

s/ James R. Knepp II  
UNITED STATES DISTRICT JUDGE